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No. 240] NEW DELHI, TUESDAY, MAY 14, 1957/VAISAKHA 24, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 8th May, 1957

S.R.O. 1518.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 62 of 1957, presented to the Commission on the 15th April, 1957, under section 81 of the said Act, by Shri Umashanker Muljibhai Trivedi, of 11 Neemuch Cantonment, Madhya Pradesh calling in question the election to the House of the People from the Mandsaur constituency of that House of Shri Manaklal of Rampura (Madhya Pradesh).

Presented to me by Shri K. Y. Borkar who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the Fifteenth day of April one thousand nine hundred and fifty seven.

(Sd.) DIN DAYAL,

15-4-57

Under Secy.
Election Commission, India.

(Sd.) K. Y. BORKAR,

Attested.

(Sd.) DIN DAYAL,

15-4-57.

ELECTION PETITION No. 62 of 1957

To

The Election Commission India,
New Delhi.

Umashanker Muljibhai Trivedi of 11 Neemuch Cantonment, Madhya Pradesh—Petitioner.

Versus

1. Shri Manaklal of Rampura.
2. Shri Koksingh, Mantri Ram-Rajya Parishad, Mandsaur.
3. Shri Shyam Singh, Dalauda Sugar Mill, Dalauda.
4. Shri Shivedarshanlal of Mandsaur—Respondents.

The humble petition of Umashanker Muljibhai Trivedi aged 52 years Hindu Inhabitant of Neemuch Cantonment respectfully sheweth.

1. That the petitioner is an elector in the Neemuch Assembly Constituency of the Mandsaur Parliamentary Constituency in Madhya Pradesh and his name is entered as voter in the list at No. 229 in Part 11 of the said constituency in Neemuch.

2. That the petitioner and Respondents were the contesting candidates for election to the House of People from the Mandsaur Parliamentary Constituency during the last general elections.

3. That the petitioner is a member of the Jan Sangh Party, the Respondent No. 1 belongs to the Congress Party, Respondent No. 3 was an independent candidate who was after the retirement of Respondent No. 2 was held out to be the candidate supported by the Ram Rajya Parishad and Respondent No. 4 belonged to the Hindu Maha Sabha Party.

4. That as a result of the election, the Respondent No. 1 was declared elected on the 7th March in the night and the result of the ballot was declared as under:

Shri Manaklal Respondent No. 1 77789.

Shri Umashanker Petitioner 56928.

Shri Shyamsingh Respondent No. 3 14136.

Shri Shivedarshanlal Respondent No. 4 7989.

5. That after the date of nomination and before the final Polling which took place on the 25th February, 1957 and 1st March, 1957, Respondent No. 1 who belonged to the Congress Party and his supporters and partymen distributed a handbill printed over the signatures of several members of the Congress Party principal amongst them being:—

1. Bhawanishanker Nandwana of Kapasin.
2. Ramchander Pancholi, of Begun, and
3. Amritlal Payak of Partabgarh.

6. That the said pamphlet called upon the electors of the Mandsaur Parliamentary Constituency to vote for the Respondent No. 1 and was published by the Respondent No. 1 and/or his agents and/or with his consent and connivance.

7. That the aforesaid handbill was published in large numbers and distributed and posted at several polling stations in the Madsaur Parliamentary Constituency more particularly at Jawad, Ratangar, Jath, Singoli, Manasa, Rampura, Bhanpura, Shamgarh, Garoth, Suvasra, Dhalpat, Runija, Sitamau, Bilantri, Mandsaur, Nagri Jaora, Piploda, Ringnod and Piilla.

8. That the Respondent No. 1 by himself and/or through his agents and members of the Congress Party read out the whole of the matter published in the handbill to the public at large at

Jawad on 21st February, 1957.

Jath on 21st February, 1957.

Ratangarh on 21st February, 1957.

Singoli on 20th February, 1957.

Antri on 22nd February, 1957.

Sanjeet on 22nd February, 1957.

Piilla Mandi on 24th February, 1957.

Jeeran on 20th February, 1957.

Chheetakhera on 21st February, 1957.

Nagri on 22nd February, 1957.

Dhundhadka on 28th February, 1957.

Ringnod on 23rd February, 1957.

Garoth on 28th February, 1957.

9. That the said handbill was printed at Neemuch Printing Press, Neemuch which publishes a News-sheet called SANKET for the Congress Party and by Bharat Press also known as Bharat Printing Press, Mandsaur which also publishes another News-sheet called DHWAJ for the Congress Party.

10. That the said handbill was addressed to the voters of the Mandsaur Parliamentary Constituency and contained a photo of the Respondent No. 1 and called upon the voters to be careful of the petitioner who had taken a false oath, was a cheat and a detestable person and to vote for the Respondent No. 1.

11. That the said handbill was published over the signatures of several signatories all of whom claimed to be members of the Congress Party in Chittorgarh District.

12. That the allegations made against the petitioner in the said pamphlet were to the effect:—

- (a) That he was a cheat.
- (b) That he had taken a false oath.
- (c) That he had not done any work in the Parliament.
- (d) That he had taken money to stand away from the Chittor Constituency and/or for standing from the Mandsaur Parliamentary Constituency from Shri R. V. Murthy.
- (e) That he was an otherwise useless man fond only of good cushioned chairs of the House of People.
- (f) That he is a friend of imposters.
- (g) That he is being cursed by Sati Padmini and Meera.

13. That the aforesaid statement contained therein and the whole of the matter in relation to the personal character of the petitioner was false and is also false regarding his candidature and could not be true.

14. That the said handbill was issued by the Respondent No. 1 and/or his agents to unduly influence the free exercise of their electoral right by the voters inasmuch as it attempted to induce the electors to believe that the petitioner will be rendered an object of spiritual censure as having been cursed by Chittor of Sati Padmini and Meera. Chittor is a National emblem for India.

15. That by virtue of the promise mentioned hereinabove in paragraphs Nos. 5 to 14 the Respondent No. 1 himself and/or his agents committed corrupt practices sufficient to make the election of the Returned Candidate—Respondent No. 1 void.

16. That the workers of the Congress Party and some of the prominent amongst them held forth in their discourses before the audience during their speeches delivered at various places in the constituency between the 1st February, 1957 and 1st March, 1957 that the petitioner belonged to the Jan Sangh Party which was responsible for the murder of Mahatma Gandhi and that he was a murderer of Dr. Shyama Prasad Mukherjee. That this systematic appeal about the murder of Mahatma Gandhi—a National emblem—was made with a view to prejudice the prospects of the election of the petitioner.

17. That more particularly these speeches were delivered at Ramlila grounds at Neemuch on 11th February, 1957 by Shri Govind Ballabh Pant, by Shri Sitaram Jaju on 22nd February, 1957 at Neemuch and by Shri K. N. Katju the Chief Minister at Jaora on 28th January, 1957 and by Respondent No. 1 at Rampura on or about the 23rd February, 1957.

18. That the Respondent No. 1 and his agents committed the following electoral offences:—

- (a) News Sheet DHWAJ was distributed inside the Polling station in Sitamau Constituency calling upon the voters to vote for Respondent No. 1 and one Nandkishore a Congress worker was caught red handed at Polling Station No. in Sitamau.
- (b) The presiding officer Shri Quddus prevented the workers of the petitioner to carry on their canvassing at Bilantri Polling Station on 28th February, 1957.

19. That the Government servants whether entrusted with the duties under the Representation of People Act or otherwise committed the following acts in contravention of the provisions of the Act or the rules made thereunder:—

- (a) That the publication prescribed for under Section 38 read with rules 11 and 21 of the Election and Election Petition Rules was defective in so far as the list of the contesting candidates as exhibited at several polling stations in Jawad Tehsil more particularly at Bawal, Morwan, Ratangarh, Bhojpura, Lasur, Janakpur, Tarapur and Bhadwa had the symbol column against the petitioner's name completely blank.

- (b) That the Broad Casting Ministry of the Government of India provided free service to the Daily paper SANKET inasmuch as it published foreign and other Indian news broadcast by the All India Radio to inflate its sale and/or distribution whereas its main object was to carry on propaganda for the Respondent No. 1 and other Congress candidates in Mandsaur District. This illegal gratification was calculated to help the person who was directly carrying on election propaganda for the Respondent No. 1 and this Government department did so to further the prospects of the election of Respondent No. 1.
- (c) That Bherulal Patwari of Bhojpura being a Government servant carried on propaganda for the Congress party in his circle and canvassed votes for the Congress party in general and the Respondent No. 1 in particular.
- (d) That Moolchand son of Gangaram Ahir, a fitter working in the Loco shed of the Western Railway at Neemuch Railway station being a Government servant canvassed votes for the Congress party in general and the respondent No. 1 in particular and distributed identity slips for the Congress candidates.
- (e) That one Harishchandra Bhatt a teacher at Jawad Middle School, a Government employee canvassed votes for the Congress party in general and Respondent No. 1 in particular.
- (f) That one Mangilal Bhatt a teacher at Bhadbhadiya School canvassed votes for the Congress party in general and Respondent No. 1 in particular.
- (g) That one Shivbahadur Singh a Forest Ranger of Rampura a Government employee carried on a virulent propaganda against the Jan Sangh party and openly in a very flagrant manner, canvassed votes for the Congress Party in general and the Respondent No. 1 in particular.
- (h) That the presiding officer of polling station No. 32 Jaora Town—Weaving and Spinning Centre—did not allow the polling agent of the petitioner to enter the polling station and he did so act knowingly with a view to further the prospects of election of Respondent No. 1.
- (i) That the services of a Government employee Majid Khan a driver of the Madhya Bharat Roadways was utilized to drive about the workers of the Congress party in Sitamau Constituency from 4th February 1957 to 1st March 1957.
- (j) That the presiding officers of polling stations No. 72—Chandwasa in Garoth, of Amalawad in Mandsaur constituency and No. 14 in Mandsaur Town in Mandsaur Constituency had kept red boxes for Lok Sabha Ballots thereby unduly interfering with the balloting.
- (k) That on 1st March 1957 unauthorised person to wit the Tehsildar of Malhargarh entered the places fixed for poll at Polling Station No. 17 Sanjeet at 3-40 P.M. in suspicious circumstances in contravention of rule 96 of the Representation of the People (Conduct of elections and Election Petitions) Rules.

20. That the Respondent No. 1 caused handbills to be distributed in the Jaroa Constituency bearing his photo as also of Shri Kailash Nath Katju on or about the 22nd February 1957 over the signatures of many religious heads amongst others of the Jain, Muslim, and Parsi communities calling upon the electorate to vote for the Government and show its loyalty to the State in other words votes were canvassed not for the party but for the Government. This act of the Respondent No. 1 was calculated to unduly influence the voters to refrain from voting for the petitioner and to induce them to vote for the Respondent No. 1.

21. That the Congress workers in particular were bold enough to openly canvass voters within 100 yards at every polling station in Neemuch and they helped in the impersonating of voters on 25th February 1957. They were Shri Fakhruddin and Shri Ramswaroop Gattani and they helped many Muslim voters to impersonate. One of them was Hakimuddin son of Hasanali a young boy of 18 years whom both these agents of Respondent No. 1 wanted to impersonate for a man of 50 at Polling station No. 9 in Neemuch Cantonment.

22. That both the above-mentioned workers of the Congress party who actually canvassed for Respondent No. 1 and acted as his agents all along induced a Pakistani citizen to wit Rehman son of Guljishah to vote in Neemuch City Polling Station No. 3.

23. That these two aforesaid persons again attempted to get another muslim Dost Mohammed to impersonate for Abdul Gani at Bounded Warehouse Polling Station No. 6 in Neemuch Cantonment and the said Dost Mohammed was handed over to the Police.

24. That the Anjuman Islam of Malhargarh was induced by the Congress party to call a meeting of the Muslims in the mosque in Malhargarh and there several speakers exhorted the Muslims as muslims to vote for Congress to prove their loyalty to the Congress Government and thereafter, distributed handbills, printed at Shriram Press Neemuch asking the muslims that it was a religious duty to cast votes in favour of the Congress. That this corrupt practice was committed by several muslims of Malhargarh, Narayangarh, and Neemuch where these handbills were distributed in large numbers by muslim workers to muslims only.

25. That on account of the corrupt practices and the contravention of the provisions of the Act, the election of the Respondent No. 1 is liable to be declared void.

26. That by virtue of the serious corrupt practices committed as described in paragraphs 5 to 14 and 20 to 24 herein above, the Respondent No. 1 managed to secure at least 15000 more votes in Jawad, Mandsaur, Neemuch, Sitamau Constituencies. But for these corrupt practices, the Respondent No. 1 would have secured a very small number of votes.

27. That the Respondent No. 1 and/or his agents made systematic appeal on religious grounds and using National emblems as stated in paragraphs 5 to 14 and 20 to 24 but for this corrupt practice, the petitioner would have secured at least 10000 votes of the muslim community and at least 25000 more votes from the others and would have won the election with a thumping majority.

28. That contraventions of provisions of the Representation of the People Act and Rules thereunder committed as described above are sufficient in themselves to enable the petitioner to a declaration that the election of the Returned Candidate—Respondent No. 1—is void.

29. That the commission of the corrupt practices by the Respondent No. 1 as enumerated above entitles the petitioner to be declared elected, for the petitioner would have secured a larger number of votes but for the corrupt practices, and the Respondent No. 1 would have secured much less but for the corrupt practices.

Wherefore the Petitioner Prays That

- a. the election of Respondent No. 1 be declared void, or,
- b. the election of Respondent No. 1 be declared void and the petitioner be declared duly elected.
- c. Costs be awarded against the Respondent No. 1.

and shall ever pray

14th April 1957.

Petitioner.

Verification

I, Umashanker Trivedi, son of Muljibhai Trivedi, Barrister-at-Law of Neemuch Cantonment, the petitioner abovenamed verify this 14th day of April 1957 at Neemuch Cantonment that the statements made in paragraph 1 to the last of this petition are true to the best of my knowledge and belief.

Petitioner

Enclosure:—

- 1 Receipt of Rs. 1000/- one thousand deposited with the Reserve Bank of India, Delhi is enclosed herewith as per chela No. 90106 dated 15th April, 1957.

2. Four copies of the petition for service on respondents

Petitioner

ANNEXURE TO THE ELECTION PETITION

Umashanker Muljibhai Trivedi of Neemuch

Petitioner

versus

Manaklal of Rampura and 4 others

*Respondents.**List of documents relied on but not filed with the petition.*

Sl. No.	Description	Date
1	Handbill "BARRISTER TRIVEDI NE JANATA KO DHOKA DIYA" Signed by Bhawanishanker Nandwana and others	
2	Objection application dated 10 the Presiding Officer Polling Station No. 17 Sanjeet objecting to the distribution of DHWAJ within the Polling station.	1-3-57
3	Handbill under the heading "NIRWACHIAN KSHETRA JAORA KE MATDATAON SE APPEAL	2-2-57
4	Handbill by ANJUMAN ISLAMIA PURANA BAZAR MALHARGARH	20-2-57
5	Letter from the Petitioner to the Returning Officer Mandsaur with enclosure	1-2-57
6	Letter to the Returning Officer Mandsaur from the Petitioner	14-3-57
7	Letter to the Returning Officer Mandsaur from the Petitioner with copy to the Chief Electoral Officer Bhopal	15-2-57
8	Letter from the Petitioner to the Election Commissioner India New Delhi	16-2-57
9	Letter from the Petitioner to the Returning Officer Mandsaur with copy to the Chief Electoral Officer Bhopal and Election Commission India New Delhi.	16-2-57
10	D.O.82-C/57 dated 19-2-57 from Shri Malhotra to the Petitioner	
11	Letter from the Petitioner to the Distt. Superintendent of Police Mandsaur with copy to the S.O. Jeeran	20-2-57
12	Letter from the Petitioner to the Distt. Superintendent of Police Mandsaur about Dayalsingh	20-2-57
13	Letter to the Distt. Superintendent of Police Mandsaur with copy to the S.O. Neemuch re. Sagarmal of Palsoda	20-2-57
14	Letter to the Loco Foreman Neemuch with copy to the D.S. Western Rly. Ratlam re. Moolchand Fitter	23-2-57
15	Letter to the Presiding Officer Polling Station No. 10, Neemuch	25-2-57
16	Letter to the Presiding Officer Polling Station No. 10, Neemuch	25-2-57
17	Letter to the Presiding Officer Polling Station No. 10, Neemuch	25-2-57
18	Letter to the Presiding Officer Polling Station No. 8	25-2-57
19	Letter to the Presiding Officer Polling Station No. 17 Sanjeet complaining about the Tehsildar Malhargarh visiting the booths alone.	1-3-57

(Sd.) Petitioner

Verification

I, Umashanker Trivedi, son of Muljibhai Trivedi, Barrister-at-Law of Neemuch Cantonment, the Petitioner above named verify this 13th day of April 1957 at Neemuch Cantonment, that the contents of the list hereinabove are true to my knowledge and belief.

(Sd.) Petitioner.

[No. 82/62/57.]

By Order,

DIN DAYAL, Under Secy.